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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION

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14 JUAN VILLALON,
15 Plaintiff,
16 v.
17 KILOLO KIJAKAZI,
18 Acting Commissioner of Social Security,
19 Defendant.

Case No. 1:20-cv-1830-SKO

STIPULATION AND ORDER FOR EXTENSION
TO FILE DEFENDANT'S OPPOSITION TO
PLAINTIFF'S OPENING BRIEF

(Doc. 26)

20 The parties stipulate through counsel that Defendant, the Commissioner of Social Security
21 (the "Commissioner"), shall have an extension of time to file her opposition to Plaintiff's opening
22 brief in this case. In support of this request, the Commissioner respectfully states as follows:

23 1. Primary responsibility for handling this case has been delegated to the Office of
24 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

25 2. Defendant's response to Plaintiff's opening brief is currently due December 20,
26 2021. Defendant has not previously requested an extension of time for this deadline.

27 3. The Region IX Office currently handles all district and circuit court litigation

1 involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and
2 Guam.

3 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively
4 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.
5 Most of the attorneys who handle program litigation cases have additional responsibilities, such
6 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the
7 work product of junior attorneys, conducting trainings, and participating in national workgroups.
8 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has
9 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-
10 assigned cases into their existing caseloads.

11 5. As of December 8, 2021, the Region IX Office has 277 district court briefs due in
12 the next thirty days in the jurisdictions it handles. In addition, the Region IX Office has 12
13 appellate cases pending for briefing.

14 6. In addition to this “program” litigation, the 30 staff attorneys in the Region IX
15 Office maintain other workload responsibilities, with most of them dedicating 40 percent or more
16 of their time to these workloads. The Region IX Office provides a full range of legal services as
17 counsel for the Social Security Administration, in a region that covers four states (including the
18 most populous state in the nation) and three territories. These other workloads include
19 employment litigation; civil rights investigations; bankruptcy matters; and requests for legal
20 advice on wide-ranging topics, including employee conduct and performance, reasonable
21 accommodation, hostile work environment, ethics, Privacy Act and disclosure, torts, property,
22 and contracts.

23 7. The undersigned attorney has 15 briefs due in district court cases over the next
24 thirty days, in addition to managing this office’s legal opinion and advice workgroup, which
25 currently has 20 pending legal opinion requests and advice for guidance.

26 8. Due to the volume of the overall workload within the Region IX Office, neither the
27 undersigned attorney nor another attorney in the Region IX Office anticipate being able to
28 complete briefing by the current due date of December 20, 2021. Therefore, Defendant seeks an
Stip. for Ext. 20-1830-SKO

1 extension of 30 days, until January 19, 2022 to respond to Plaintiff's opening brief.

2 9. This request is made in good faith and is not intended to delay the proceedings in
3 this matter.

4 WHEREFORE, Defendant requests until January 19, 2022, to file her opposition to
5 Plaintiff's opening brief.

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7 Respectfully submitted,
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9 DATE: December 17, 2021

/s/ *Jonathan Peña*
JONATHAN PEÑA
Attorney for Plaintiff
(as approved via email)

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11 DATE: December 17, 2021

PHILLIP A. TALBERT
Acting United States Attorney

12 By s/ Sathya Oum
13 SATHYA OUM _____
14 Special Assistant United States Attorney

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Attorneys for Defendant

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19 ORDER

20 Pursuant to the parties' above stipulation (Doc. 26), and for good cause shown,

21 IT IS HEREBY ORDERED that Defendant shall have an extension, up to and including January
22 19, 2022, to file her response to Plaintiff's opening brief. All other dates in the Scheduling Order
23 (Doc. 18) shall be extended accordingly.

24

25 IT IS SO ORDERED.

26 Dated: December 20, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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